

MEMO ENDORSED**USDC SDNY****DOCUMENT****ELECTRONICALLY FILED****DOC #:****DATE FILED: OCT 18 2012**

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October 17, 2012

VIA E-MAILHon. Alison J. Nathan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312James C. Winton
direct dial: 713.646.1304
JWinton@Bakerlaw.comRe: *Fifth Third Bank v. M/Y ROMANTICA, et al.*;
Case No. 11-cv-05667 (AJN) (HBP)

Dear Judge Nathan:

Fifth Third drafted a Confidential Settlement Agreement and a Stipulation and Proposed Order of dismissal (collectively referred to as the "Settlement Papers") and submitted them to counsel for Cross-Defendants and Intervenor on Thursday, October 11, 2012. Counsel for Cross-Claim Defendants and Intervenor stated that he is prepared to sign the Stipulation and Proposed Order with one amendment that has been made, but doubted that he will be able to obtain signatures of his clients, particularly that of Cross-Claim Defendant Victor Becker, in advance of today's filing deadline. Because counsel for Cross-Claim Defendants and Intervenor is out of town and has no associate available to submit this letter for him, he has asked us to do so.

Although, Fifth Third is ready, willing, and able to comply with the terms of the Settlement, it cannot do so until the Settlement Papers have been fully executed by Intervenor and Cross-Claim Defendants. Counsel for Fifth Third does not relish further delaying this matter (or even making this request) but has no choice. With great reluctance, we respectfully request, on behalf of counsel for Intervenor and Cross-Defendants, that the Court extend its order of October 3, 2012 [Dkt. 127] for fourteen days to allow counsel for Mr. Becker to obtain his signature on to the Settlement Papers, as well as those of his other clients, who apparently will not be a problem.

Sincerely,

J. C. Winton

James C. Winton
of BakerHostetler

10/18/12

SO ORDERED:HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

If no stipulation of dismissal is
filed by 11/1/12, counsel for all
parties shall appear before the
Court on 11/16/12 at 5:00 pm
in Court room 17B of the USDC for the SDNY.

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